

Applicant: Hoogland
Application Serial No.: 10/529,329
Filing Date: May 23, 2005
Docket No.: 294-211 PCT/US

AMENDMENTS TO THE DRAWINGS

In the drawings:

Please replace Sheet 2/8, showing Figure 2, with the enclosed “Replacement Sheet” 2/8 showing Figure 2; and

Please replace Sheet 4/8, showing Figure 4, with the enclosed “Replacement Sheet” 4/8 showing Figure 4.

REMARKS/ARGUMENTS

The Office Action dated April 9, 2008 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended the Drawings and Specification to address the informal objections set forth in the Office Action. Applicant has also amended Claims 1-7, 10-12, 19, and 24, canceled Claims 8 and 9, and added new Claims 25-27, which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-7 and 10-27 in condition for allowance.

Election/Restriction

Claims 13-18 and 21-23 have been withdrawn from further consideration pursuant to 37 CFR 1.142 (b), as being drawn to a non-elected species. Applicant respectfully submits that the amendment herein to generic Claim 1 places the claim in condition for allowance. Accordingly, Applicant requests reinstatement of Claims 13-18 and 21-23.

Drawing Objection

The drawings have been objected to as showing reference numeral "12" as both a honeycomb structure and cross supports. In response, Applicant submits herewith "Replacement Sheets" for Figures 2 and 4, which have been amended to include a new reference numeral --11a—to designate the honeycomb structure. Reference numeral 12 now designates only the cross supports. Accordingly, it is believed that the objection to the drawings has been overcome.

Specification Objection

The specification has also been objected for the inconsistent use of reference numeral "12" as referring both to a honeycomb structure and to cross supports. In response, Applicant has amended the specification to add reference numeral 11a to refer to the honeycomb structure, in accordance with the amended drawings. Reference numeral 12 now refers only to the cross supports. Accordingly, it is believed that the objection to the specification has been overcome.

Claim Rejections – 35 USC §102 and §103

Further in the Office Action, Claims 1-10, 12, 19 and 20 have been rejected under 35 U.S.C. §103(e) as being anticipated by U.S. Patent No. 6,955,128 to Apps. Claim 24 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,584,914 to Koefeldt. Finally, Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Apps patent in view of the Koefeldt patent. In particular, the Examiner states that the Apps patent discloses a steel reinforced pallet having stringers with first supporting means extending in a first direction and cross supports with second supporting means extending in a second direction perpendicular to the first direction.

In response, Applicant has amended independent Claims 1, 19 and 24 to define a pallet including a top deck, a bearing construction and first and second supporting means, wherein the bearing construction includes a plurality of stringers, a plurality of bearing elements extending upwardly from the stringers and a plurality of cross supports interconnecting the bearing elements. The stringers extend in a longitudinal direction and define a first plane and the cross supports extend in a lateral direction perpendicular to the longitudinal direction and define a second plane offset from the first plane. It is respectfully submitted that none of the cited references, taken alone or combined, teaches or suggests a bearing construction having stringers and cross supports extending perpendicularly to each other on different planes, as set forth in amended independent Claims 1, 19 and 24.

In particular, upon review of the cited Apps patent, it is immediately apparent that the arrangement of the elements identified by the Examiner as stringers (82, 86, 90) and the elements identified by the Examiner as cross supports (80, 84, 88) are on the same plane, with the bearing elements (26, 28) extending upwardly from a top surface of the coplanar stringers and cross supports. There is absolutely no mention in the Apps patent of providing a bearing construction with stringers and cross supports on different planes with the bearing elements extending therebetween.

In the present invention, the cross supports are provided above the stringers so that the tines of a fork-lift, for example, can be inserted between the stringers to lift the pallet. The cross supports of the present invention also retain the second supporting means against the bottom surface of the top deck. The pallet disclosed in the Apps patent does not include such

stringers or cross supports, as defined in amended Claims 1, 19 and 24. Accordingly, it is respectfully submitted that amended Claims 1, 19 and 24, and the claims that depend therefrom, patentably distinguish over the prior art.

New Claims 25-27

Applicant has also added new Claims 25-27, which depend from amended Claim 24, and define additional features of the present invention. In particular, new Claim 25 defines a plurality of tubular edges extending downwardly from the bottom surface of the top deck, which snap-fit together with the bearing elements of the bearing construction. New Claim 26 defines a plurality of openings in the first supporting means for enhancing integral molding of the first supporting means with the stringers. Finally, new Claim 27 defines the second supporting means as being loosely retained by the cross-supports against the bottom surface of the top deck.

It is respectfully submitted that none of the cited references, taken alone or combined, discloses the additional features set forth in new Claims 25-27. Accordingly, it is respectfully submitted that new Claims 25-27 patentably distinguish over the prior art.

Applicant: Hoogland
Application Serial No.: 10/529,329
Filing Date: May 23, 2005
Docket No.: 294-211 PCT/US

Conclusion

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-7 and 10-27 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



Steven T. Zuschlag
Registration No.: 43,309
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
STZ/mf
302734